

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

MEMORANDUM OPINION

THIS MATTER came before the Court pursuant to pleadings filed by the Plaintiff (#9, #10) on September 12, 2007, which the Court treats as a motion for leave to dismiss the complaint.

This matter may not be dismissed without consent of the Defendant pursuant to Fed. R. Civ. P. 41(a)(1). Moreover, such dismissal may not be conditioned upon a request for "extension" for the plaintiff to seek refinancing or sell the property as requested in plaintiff's motion.

Therefore, Plaintiff's motion must be denied.

An appropriate order shall issue.

/s/
Theresa Carroll Buchanan
United States Magistrate Judge

September 18, 2007
Alexandria, Virginia